

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL TRANSPORTATION ORDERS
Selected for Publication
July 2004

July 9, 2004

In re Application No. B-079273
Of Aqua Express, LLC,
For a Certification of Public Convenience
And Necessity to Provide Commercial
Ferry Service

DOCKET NO. TS-040650

ORDER NO. 05

FINAL ORDER GRANTING
APPLICATION FOR CERTIFICATE
OF PUBLIC CONVENIENCE AND
NECESSITY

Surveys conducted by the
applicant, as the testimony of
witnesses from the community,
demonstrate a substantial present
and future unmet need and a
strong desire for passenger-only
service between Kingston and
Seattle. *¶¶ 25 and 33 of the Order.*

Applicant's assets on hand,
prospects of additional bank loans
and possible infusions of additional
capital, demonstrate that the
applicant has sufficient resources to
operate the proposed service for at
least twelve months. *¶ 39 of the
Order.*

The applicant's substantial experience in operating similar passenger-only ferries, familiarity and compliance with statutes and rules governing passenger-only ferry operations, including those governing safety and security, demonstrate that the applicant is operationally ready, willing and able to provide the proposed service. ¶¶ 41 and 42 of the Order.

The Commission considers and gives substantial weight to the effect of the proposed passenger-only service on public agencies operating or eligible to operate passenger-only ferry service, namely the Washington State Ferry system and the affected public transportation benefit area authority. ¶ 59 of the Order.

The Commission finds the net effect of a proposed service to be complementary and not detrimental to public agencies that operate or are eligible to operate, a passenger-only ferry service because: 1) the Washington State Ferry (WSF) system does not object to the service; 2) the effect of the proposed service on WSF finances and operations is speculative; and 3) the affected public transportation benefit area authority supports the service. ¶¶ 59 and 71 of the Order.